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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/728,652 | 12/05/2003 | Judith Kelleher-Andersson | 109015-032 | 8455 |

7590 03/08/2007
BELL, BOYD & LLOYD LLC
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Chicago, IL 60690-1135

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| EXAMINER |
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GEMBEH, SHIRLEY V

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| ART UNIT | PAPER NUMBER |
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1614

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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| 30 DAYS | 03/08/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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Shirley V. Gembek

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| ART UNIT | PAPER |
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Commissioner for Patents

Newly submitted claims 14 and 20-33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims read on assaying for an agent whereas the previous claimed steps were directed to treatment. The original election was to an imidazole compound of formula I, which is distinct from the newly submitted claims. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14 and 20-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Applicant is given a time period of ONE MONTH or THIRTY DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid Abandonment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley V. Gembek whose telephone number is 571-272-8504. The examiner can normally be reached on 8:30 -5:00, Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SVG

3/3/07

*Ardin H. Marschel 3/5/07***ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER**